

Case Management/ Electronic Case Filing (CM/ECF)

Version 3.1

(changes for Debtor's Attorneys)

Effective 10/17/2006

The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 requires the court to compile statistics on certain types of filings beginning October 17, 2006. CM/ECF Version 3.1 was developed to capture these statistics which must be reported by the court each month. To accomplish this, filers **must** select the proper event when filing documents.

The court will continue to check all filings and will continue to make notations on the docket sheet regarding errors. It is important for attorneys to correct their mistakes within the time frame requested by the court.

There are new procedures on how the court will handle errors that are not corrected.

- a. Once the court makes a notation that an incorrect PDF was attached or an entry was entered in error, the attorney should correct the error within five days. If the error is not corrected in that time period, the document will be stricken from the record.
- b. When an attorney fails to file the Summary of Schedules with the original schedules or amended schedules, the attorney will receive a notice of deficiency. The attorney has five days to file the summary. If it is not filed, an order to show cause for sanctions will be issued.

The following information in this handout will assist you in filing your documents correctly under this new version of CM/ECF. Please become familiar with them and use this document as a reference tool when filing. Also, please feel free to call the court with questions before filing a document when you are unsure of the proper procedure.

A. BANKRUPTCY CASE OPENING / ADVERSARY CASE OPENING CHANGES

1. Version 3.1 adds a few new items to the bankruptcy case opening screens.
 - a. The statistics screen now asks for prior filings within the last eight years.
 - b. For chapter 11 cases, two new check boxes appear:

A plan is being filed with petition and
Acceptances of the plan were solicited pre-petition.

- c. Nature of business label has been added above a list of business types and a category of Other has been added for business types not listed.
 - d. Nonprofit Organization has been changed to Tax-Exempt Entity.
- 2. Version 3.1 adds new features to adversary case opening.
 - a. Up to five natures of suit can be entered when opening an adversary.
 - b. When entering party information, you must now select the role of the party in the lead bankruptcy case (i.e. Defendant is the debtor, Plaintiff is a creditor, etc.).

B. SUMMARY OF SCHEDULES

- 1. Both the Summary of Schedules and the Statistical Summary of Certain Liabilities (**28 U.S.C. § 159**), page two of the Summary of Schedules, are now required to be filed. This can be found on the court's website, www.lamb.uscourts.gov, under National Forms, (Form B6).
- 2. The information included in the Summary of Schedules will now have to be entered electronically when filing Schedules and Amended Schedules.
- 3. You must bypass the summary of schedules information screen when opening a case if you are not filing the schedules at this time.
- 4. If you have entered the summary of schedules information and then try to select Schedules A-J as a deficiency, you will get an error message.
- 5. The data entered into CM/ECF will be checked daily by the court's case administrators to ensure that the PDF figures match the ones entered in CM/ECF.

C. AMENDED SCHEDULES

- 1. All amended schedules will now require the Summary of Schedules and the Statistical Summary of Certain Liabilities to be included with the filing.
- 2. The PDF should include the Summary of Schedules, the Statistical Summary of Certain Liabilities the individual amended schedules, and the Declaration Concerning the Debtor's Schedules signed by the debtor.
- 3. The information included in the amended summary of schedules will now have to be entered electronically in Version 3.1 when filing amended schedules.

D. REAFFIRMATION AGREEMENT

1. There will now be two types of Reaffirmation Agreement events to select when filing.
 - a. Reaffirmation Agreement
 - b. Reaffirmation Agreement - Not Signed by Attorney
2. The new Reaffirmation Agreement - Not Signed by Attorney event will be noticed for hearing by the court. The debtor(s) must attend the hearing.
3. If the Reaffirmation Agreement is filed incorrectly, (i.e. you select the wrong event), it will have to be re-filed.

E. AMENDED PLAN

1. Amended plans are to be filed **PRIOR** to the confirmation hearing.
2. The new events for filing amended plans will include the following:
 - a. Amended Chapter 9 Plan
 - b. Amended Chapter 11 Small Business Plan
 - c. Amended Chapter 12 Plan
3. If an amended plan is filed incorrectly, it will have to be re-filed.

F. MODIFIED PLAN

1. Modified plans are to be filed **POST** confirmation.
2. There will be only one modified plan event for all post confirmation plans filed.
3. Modified plans **MUST** be noticed for hearing.

G. GENERIC MOTION / GENERIC APPLICATION

1. Before using either of these events, you **must** first contact the court to verify that no other event is applicable and the only option is Generic Motion or Generic Application.
2. If you choose Generic Motion or Generic Application and there is an event that should have been selected, you will have to re-file the motion or the application.

H. MOTION TO AVOID LIEN

1. Version 3.1 will include two events for filing a Motion to Avoid Lien.
 - a. Motion to Avoid Lien
 - b. Motion to Avoid Lien on Household Goods
2. If the Motion to Avoid Lien is filed incorrectly, it will have to be re-filed.

I. MOTION TO RECONSIDER

1. Version 3.1 will include two events for filing a Motion to Reconsider.
 - a. Motion to Reconsider
 - b. Motion to Reconsider Dismissal
2. Motion to Reconsider Dismissal should **ONLY** be used in reference to an Order Dismissing Case.
3. Motion to Reconsider should reference all other Orders.
4. If the Motion to Reconsider is filed incorrectly, it will have to be re-filed.

J. MOTION FOR SANCTIONS

1. There will now be five types of Motions for Sanctions to select when filing.
 - a. Motion for Sanctions - Violation of Automatic Stay
 - b. Motion for Sanctions - Violation of Discharge Injunction
 - c. Motion for Sanctions - Debtor Attorney Misconduct (FRBP 9011)
 - d. Motion for Sanctions - Under 28 USC Section 1927 Attorney Liability for Excessive Costs
 - e. Motions for Sanctions
2. If the incorrect Motion for Sanctions is selected, it will have to be re-filed.

K. MOTION TO DISMISS

1. Version 3.1 will include a new Motion to Dismiss event - Motion to Dismiss for Failure to File pursuant to § 521(i)

2. If an individual debtor in a Chapter 7 or 13 voluntary case fails to file all of the information required under § 521(i) within 45 days of the date of filing of the petition, the case shall be automatically dismissed effective on the 46th day after the date of filing.
3. The debtor may request an additional period of time (up to 45 days) to file the information required under § 521(i). This motion must be filed before the expiration of the 45th day.

L. CHAPTER 11 FIRST DAY MOTIONS

1. Version 3.1 will include two events for filing Chapter 11 First Day Motions.
 - a. Chapter 11 First Day Motion - Application to Employ
 - b. Chapter 11 First Day Motion (This event is for all other first day motions)
2. All chapter 11 first day motions should **ONLY** be filed under these two events.